

DELEGATED OFFICER REPORT:**Application Ref:** PN/24/98658**Site Address:** FIRST FLOOR, 1 MILL STREET, EASTLEIGH, SO50 4HF**Case Officer:** Clare Martin**Description:** Prior Notification Application under Schedule 2, Part 3, Class MA for a change of use of the first floor from Class E (commercial, business, service) to Class C3 (dwelling).

Particular Site Constraints?	Yes ☐	No ☐
• Within Urban Edge • Within Extension to Air Quality Management Area • Within Urban Renaissance Quarter • Within River Itchen SAC • Within New Forest Recreational Disturbance Catchment Area		

Planning History?	Yes ☒	No ☐
• F/13/72335 - Change of use of first floor from residential (C3) to ancillary office associated with use of premises for the servicing of automatic gaming machines – Permitted (July 2013).		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Transport Officer:	<u>No objection</u>		
Environmental Health (Noise):	No objection - subject to noise insulation condition		
Environmental Health (Land Contamination)	No objection		
Parish Council:	No objection		

Site Visit:	Yes ☒	No ☐
Details: Carried out 30 th Jan 2025		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:
The Town & Country Planning (General Permitted Development) (England) Order 2015 (Amendment) Part 3 of Schedule 2, Class MA grants planning permission for a change of use from Class E (commercial, business or service) to residential, subject to certain exceptions, limitations and conditions. Under this act the developer must apply to the Local Planning Authority, before starting development, to determine whether the prior approval of the authority will be required, and if so whether this is granted by the LPA. The matters to be considered under the prior approval are: a) transport impacts of the development, particularly to ensure safe site access;

- b) contamination risks in relation to the building;
- c) flooding risks in relation to the building;
- d) impacts of noise from commercial premises on the intended occupiers of the development;
- e) *not applicable as site is not within a conservation area;*
- f) the provision of adequate light in all habitable rooms of the dwellinghouse;
- g) *not applicable as site is not within an industrial area*
- h) *not applicable as current use is not a nursery or health facility*
- i) *not applicable as development as a fire risk condition is not required.*

Furthermore, Article 3 of the amended regulations 2020 does not grant permission, or authorise any development of, any new dwelling house where:

- a) the gross internal floor area is less than 37m² in size: or
- b) that does not comply with the nationally described space standards (issued by the Department for Communities and Local Government on 27th March 2015

Policy:

National Planning Policy Framework Planning Practice Guidance

Paragraph W(10) of Schedule 2 Part 3 of the GPDO requires that in assessing this Prior Approval application, the LPA must take into account any representations made to it on the proposals by neighbours or by relevant consultees and must have regard to the NPPF where relevant to the subject matter of the Prior Approval. The NPPF re-iterates that planning law requires that applications for planning permission be determined in accordance with the development plan, and consequently those policies of the adopted Local Plans that are relevant to the subject matter of the Prior Approval are cited here and have been taken into consideration in the assessment of the application.

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are:

- Strategic policies: S1 and S2;
- Development Management policies: DM1, DM5, DM8, DM13 and DM14.
- Area Policy: E4 (1a)

Supplementary Planning Documents:

Quality Places & Residential Parking Standards

Eligibility:

The building is eligible for a Class MA prior notification application, as:

- The first floor of the building was granted permission in 2013 to be used as an office, which is now included within Class E use.
- The building's curtilage does not form part of a Site of Special Scientific Interest, listed building, scheduled monument, in a safety hazard area or military explosives storage area.
- The building is not within an area of outstanding natural beauty, an area specified by the secretary of state or in a national park, the broads or a world heritage site.
- The site is not part of an agricultural holding.

Assessment:

A) Transport impacts of the development and safe site access

The first floor change of use from office to residential is likely to result in a reduction in associated vehicular trips and so reduce the impact on the highway network.

The proposed residential property will be allocated the one existing space at the northern end of the site off Mill Road, which is a secondary street off a main road. The site is located in easy walking distance of Eastleigh Town Centre that has a range of shops and amenities as well as sustainable travel options (bus and train and cycle links). Cycle storage would be provided in the existing garage at the southern end of the building.

B) Contamination risks in relation to the building:

The proposed development involves the conversion in the use of the first floor of the building into a dwelling with no outdoor space. No ground disturbance is anticipated. Therefore, it does not represent a risk on contaminated land.

C) flooding risks in relation to the building:

The building is in flood zone one (lowest flood risk) and the conversion of the first floor to residential is not considered to pose a flood risk.

D) Impacts of noise from commercial premises on the intended occupiers of the development:

The premises is a corner plot with Twyford Road [A335], the railway line being some distance along Mill Street, a commercial business park is on the opposite side of the A335 but set back from the road and not accessed from Twyford Road, this may have noise impact on the dwelling and would normally attract a request for an Acoustic Report.

However, the results are likely to show the predominant noise is that of transportation. The commercial noise element is likely to be mitigated by replacement windows to Building Regulation [BR] standard. On balance requesting an Acoustic Report will not be unnecessary.

Regarding the noise separation from the existing ground floor commercial premises, the proposed plans show acoustic mineral wool placed between the joists. This is unlikely to meet the Council's standard of an increase of +10 dB above BR requirements to safeguard future occupiers of the proposed dwelling. The additional insulation can easily be met during construction and so the specification can be agreed by condition.

F).The provision of adequate light in all habitable rooms of the dwellinghouse:

The building is on a corner plot providing good daylighting on its northern and western aspects and reasonable daylighting in its rear courtyard. All the windows are full height and the first floor flat should receive adequate light to all of its habitable rooms.

Internal Floor Space

The proposed one bed flat (with study) has a gross internal floor area of 64.55m², with a minimum ceiling height of 2.3m, which meets the national space standards for 1 and 2 bed properties. The double bedroom is 11.90m², which is of a sufficient size and separate storage has been provided.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) states:

A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

It is considered that this application does not raise any equality implications.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Adopted Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...